

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re: Application of: Robert Jason Herr

Application Number: 10/566,342

International Application Number: PCT/US2004/024386

Confirmation Number: 1828

International Filing Date: 18 Aug 2004 (18.8.06)

Filing Date: 27 Jan 2006 (27.01.06)

Title: **COMPOUNDS, METHODS AND FORMULATIONS FOR THE ORAL DELIVERY OF A GLUCAGON LIKE PEPTIDE (GLP)-1 COMPOUND OR AN MELANOCORTIN 4 RECEPTOR (MC4) AGONIST PEPTIDE**

February 29, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**POWER OF ATTORNEY, STATEMENT UNDER 37 C.F.R. 3.73(b) and**  
**CORRESPONDANCE ADDRESS INDICATION FORM**

DEAR S I R / MADAM:

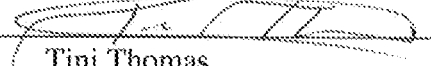
Applicant hereby makes this submission to ensure all appropriate communications and office actions on the above noted case are directed towards the applicant, Emisphere Technologies, Inc., and not Eli Lilly. The above noted case was assigned to Emisphere Technologies, Inc. by Eli Lilly as per the order of the United States District Court in Indianapolis and is recorded at the USPTO at Reel 019901, Frame 0018. In support of this submission, attached is a Power of Attorney to Prosecute Applications before the United States Patent and Trademark Office based on 37 CFR 3.73(b), a Statement based on the same statutory citation, identifying the Reel and Frame numbers of the said assignment as well as a Power of Attorney and Correspondance Address Indication Form. Each of the forms is signed by Paul Lubetkin,

Vice-President and General Counsel at Emisphere Technologies, Inc. He is an officer of the Corporation.

No fees are anticipated for this submission, nevertheless, should the United States Patent and Trademark Office deem it otherwise and find fees are due, the Commissioner of Patents is authorized to charge all said fees to Deposit Account No. 50-4195 of Applicant's attorneys.

Prompt consideration and early action are respectfully requested.

Respectfully submitted,  
EMISPHERE TECHNOLOGIES, INC.

By:   
Tini Thomas  
Reg. No. 45,556

Emisphere Technologies, Inc.  
240 Cedar Knolls Road, Suite # 200  
Cedar Knolls, NJ 07927  
(973) 532-8015